UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/SR.103
11 November 1994

ENGLISH
Original: FRENCH

COMMITTEE ON THE RIGHTS OF THE CHILD

Fourth session

SUMMARY RECORD OF THE 103rd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 8 October 1993, at 10.30 a.m.

Chairperson: Mrs. BADRAN

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GE.93-18800 (E)

The meeting was called to order at 10.55 a.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION (agenda item 8) (continued)

Submission of final texts of the preliminary and concluding observations of the Committee on the Rights of the Child on the initial reports it has considered

1. Mrs. SANTOS PAIS (Committee Rapporteur) read the final texts and document numbers of the observations adopted by the Committee at previous meetings: preliminary observations (CRC/C/15/Add.7) on the report of Indonesia (CRC/C/3/Add.10); concluding observations (CRC/C/15/Add.8) on the report of Peru (CRC/C/3/Add.7); concluding observations (CRC/C/15/Add.9) on the report of El Salvador (CRC/C/3/Add.9); concluding observations (CRC/C/15/Add.10) on the report of Sudan (CRC/C/3/Add.3); concluding observations (CRC/C/15/Add.11) on the report of Costa Rica (CRC/C/3/Add.8); preliminary observations (CRC/C/15/Add.12) on the report of Rwanda (CRC/C/8/Add.1).

2. The CHAIRPERSON noted that there were no comments on the texts.

STATEMENT BY THE UNITED NATIONS SPECIAL RAPPORTEUR ON THE SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

3. At the invitation of the CHAIRPERSON, Mr. MUNTARBHORN (Special Rapporteur on the Sale of Children, Child Prostitution and Child Pornography) made a statement on his activities. First of all, he referred to the Vienna Declaration and Programme of Action which had emerged from the World Conference on Human Rights held in Vienna in June 1993. Those texts contained references to the question of the rights of the child and urged all countries to ratify the Convention on the Rights of the Child before 1995 and to implement it through the adoption of legislative, administrative and financial measures. States should also set up national and international machinery and programmes to defend and protect children, in particular girl children, abandoned children, street children and economically and sexually exploited children, including through child pornography, child prostitution or sale of organs, children victims of diseases (including AIDS), refugee and displaced children, children in detention, children in armed conflict, and children who were victims of famine and natural disasters. Calls had also been made in Vienna for the promotion of international cooperation and solidarity to support the implementation of the Convention, and the rights of the child should be a priority in the United Nations system-wide action on human rights.

4. He then recalled that his first report on questions relating to the sale of children had been submitted to the Commission on Human Rights in 1991. Two further reports, in 1992 and 1993, again to the Commission, had followed, giving more detailed information. In those reports the term "sale of children" covered sales for adoption and also the exploitation of child labour, the sale of organs, disappearances and abductions, and child soldiers. The sale of children, child prostitution and child pornography encountered throughout the world to a degree varying from country to country. In previous reports, he had spoken of the linkage between socio-economic disparities, supply and demand, and criminality, and emphasized the need for a pluri-disciplinary approach to the issue.

5. During the previous year other areas of concern had emerged. Firstly, there was the problem of the cross-border sale of children. Just as the situation seemed to be improving in one country, the problem arose elsewhere. Eastern European countries provided a new market for the sale of children, particularly with regard to intercountry adoptions. The sale of children for sexual exploitation was the result of international trafficking between developing and developed countries, between the developing countries themselves and between the developed countries. Abductions and disappearances aggravated the situation. It was deplorable that more and more countries were facing problems related to child abductions and disappearances.

6. Furthermore, as wars and ethnic conflicts spread throughout the world, children were being used to provide arms to the combatants or to fight. They were the victims of deprivation or displacement. The situation of abducted children who were then forced to become child soldiers was increasingly alarming, despite the existence of laws forbidding the involvement of children in armed conflicts. Orphans and children abandoned in war situations were sold for adoption. He emphasized once again that children were used by criminal syndicates or exploiters to sell drugs, steal and commit crimes. Such phenomena had increased in recent years, sometimes as a result of corruption within law enforcement authorities which colluded, actively or passively, with criminals. There was a gap between laws aimed at protecting children and their implementation.

7. He stated that he had been trying to make the invisible visible and to reach the unreached. He had not only appraised the global situation concerning the sale of children but also visited various countries to gather first-hand information. He had had the opportunity to meet children, and their points of view were reflected in his annual reports. He had been to the Netherlands, Brazil, Australia and Nepal and would in the near future be going to Africa and North America. His wish had been to visit as many developing as developed countries.

8. With regard to the sale of children for adoption, the Convention on the Rights of the Child included many principles to protect children. Such adoptions should be authorized by the competent authorities alone. Adoption in the country of origin should take precedence over international adoption and should not be used to generate income. The new Convention on the Protection of Children and Cooperation in respect of Intercountry Adoption which had been drawn up under the auspices of the Hague Conference on Private International Law covered that situation. In addition, the Commission on Human Rights had adopted a Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. With regard to the sale of children who had been abducted, the 1980 Hague Convention on the Civil Aspects of International Child Abduction aimed to trace abducted children and facilitate their return to their country. However, the international sale of children continued in various regions of Central and South America and was emerging in Eastern Europe. Most of those children were sent to North America. In the United States of America, there were reports of children being abducted and sold within the country. Other information related to adoptions within the same country or between countries in Asia, Africa and Australia.

9. The sale of children for exploitation of their labour was of particular relevance that year in view of the fact that the Committee had focused on the issue of the economic exploitation of children. The International Labour Organisation had a wealth of information on the subject. The economic exploitation of children was attributable not only to employers, pimps and middlemen, but also to children's families. The parents, brothers and sisters of those children also accepted the practice. Economic exploitation arose during armed conflict or was linked to adults' criminal activities. It existed in the formal and informal sectors, including in agriculture. In particular, young girls were being forced into marriage in south Asia and the trafficking of girl children subjected to sexual exploitation operated between Laos, Myanmar, China, Cambodia and Thailand.

10. Poverty was often cited as the root cause of economic exploitation. However, it was not the only cause. Many children were economically exploited through deception or abduction. In addition, there was a demand for that kind of exploitation. Whatever the case, poverty could not justify the exploitation of children. Furthermore those children derived no benefit from their activities - that went to the middlemen or employers. Often, the children had to give the small amounts they earned to their families. Deprived of their rights, such as the right to education, health and recreation, they provided a cheap labour force which could be used in place of adults and was easier to exploit because the children were rarely able to group together to demand their rights. The exploitation of child labour could be prevented by strengthening the family environment through State financial assistance in cases where families were unable to look after their children. Similarly, through education, the community and families should be made aware of the problem so that they could deal with it. He added that the economic exploitation of children existed also in the framework of large-scale operations and that children illegally taken to another country were often deemed to be illegal immigrants and deported by the authorities.

11. Technology, which could help to protect children across the world, was being used against them, in particular in cases of <u>in vitro</u> fertilization and the sale of organs. He also mentioned discrimination against girl children which in many regions prevented them from receiving an education. It was easier to exploit girl children because they did not know how to protect themselves. The previous year, several reports had mentioned the use of children in camel races. The children were abducted in various countries, including India, Pakistan, Bangladesh and the Gulf States.

12. At the international level there were a number of instruments designed to protect children from economic exploitation: the Convention on the Rights of the Child, ILO Convention No. 138 and the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families. The Commission on Human Rights was preparing a programme of action for the elimination of the exploitation of child labour which provided for a range of measures including extensive information campaigns, better training, social action and aid, labour standards to protect children, and so forth. At the national level, although there were laws on child labour in every country, they were rarely implemented. The phenomenon was most prevalent in Asia and South America.

13. Child exploitation was also increasing in developed countries, the United States, for example. New forms of exploitation were emerging in Europe, in particular in Portugal and Russia. In South America and Africa exploitation was common, particularly with regard to children who moved from rural to urban areas, thus swelling the ranks of the street children. In Australia children were occasionally used to steal or to sell drugs on behalf of adults.

14. He said that there was still no international instrument on organ transplantation. However, the implication of the Convention on the Rights of the Child was that the sale of children for organ transplantation was totally illegal. That was confirmed by various guidelines from the World Health Organization on the issue. He mentioned the situation in several countries and said that it was essential to combat trade in fragments of the human foetus and the reproductive system for unethical purposes, even if they did not come under the definition of "human organs" as such.

15. With regard to child prostitution, he explained that many international instruments dealt with the question of slavery, and the trafficking and exploitation of women and children. The Convention on the Rights of the Child provided protection against the trade, sale or sexual exploitation of children. Furthermore, the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Pornography included a number of measures to combat such practices. He said that the situation at the national level was still a cause for concern. The cross-frontier trafficking of women and children was becoming increasingly blatant in some parts of the world, including many Asian countries linked with sex tourism. He explained that, unfortunately, the problem was spreading to other areas of the world, including Australia, North America, Europe, Japan and the Middle East.

16. He recalled that the Convention on the Rights of the Child provided for the adoption of measures to prevent the exploitative use of children in pornographic performances and materials. The problem was widespread in Europe, where child pornography circulated freely from one country to another. He mentioned, inter alia, the use in France of Minitel to offer the services of child prostitutes, and highlighted many cases of pornography on video. For example, he had communicated with the Lauda Air company in Austria, which was promoting paedophilia-oriented sex tourism in Thailand. He also mentioned the German publication entitled Spartacus, which allegedly contained incitements to paedophilia, and examples of child pornography in Thailand and the United Arab Emirates. However, in their replies to the written report submitted to the Commission on Human Rights, Governments had not recognized that such practices were taking place on their territory.

17. He deplored, once again, the seriousness of the trafficking of girl children in South and South East Asia, child slavery in some regions of North Africa, disappearances of children in Central Africa, murders of street children in South America and the exploitation of children in North America for adoption, and then concluded his statement by drawing the attention of the Committee on the Rights of the Child to some of the recommendations it had already made to the Commission on Human Rights and contained in its report E/CN.4/1993/67.

18. Firstly, updated information on the areas of concern should be collected consistently by all countries and sent to the United Nations Centre for Human Rights and relevant agencies and personnel for collation, analysis and dissemination. For that purpose a national focal point should be identified and/or established to ensure effective liaison with the Committee; the latter should enjoy greater technical support from the international community.

19. Secondly, more field visits to both developing and developed countries were essential so that the Committee could undertake the work under its mandate so as to ensure access to information at the local level.

20. Thirdly, the Committee on the Rights of the Child should encourage dissemination of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and the programme of action for the elimination of the exploitation of child labour. States should be requested to implement both programmes and to report annually on progress in that regard.

21. Fourthly, the Committee on the Rights of the Child should initiate an intersectoral dialogue with national police, law enforcement authorities (including INTERPOL), the business sector, military entities, governmental and non-governmental, and members of legislatures to prevent the exploitation of children. The Committee should mobilize the private sector to ensure the adoption of a "Business Code of Conduct for Child Protection" which would voice ways and means to prevent and eliminate child exploitation in the private sector.

22. Fifthly, in view of the celebration of the International Year for the World's Indigenous People in 1993 and the International Year of the Family in 1994, particular attention should be paid to the concerns of indigenous children, and the role of the family in child protection should be increased.

23. As his sixth point, he stated that a key priority for action was in the area of prevention, which was often dependent upon effective anti-poverty strategies, access to improved information flow, education, community conscientiousness-raising and mobilization, satisfaction of basic needs, occupational opportunities and alternative forms of employment.

24. In the seventh place, many forms of sale of children, child prostitution and child pornography were related to family decline and disintegration. Measures to strengthen the family system were required, including social assistance facilities and family/child subsidies.

25. As his eighth point he stated that, since an essential root cause of child exploitation was criminality, anti-crime measures should be broadened and a "community watch" programme established.

26. His ninth point was that the protection of children from abuse and exploitation depended upon effective laws and policies and their implementation at the national and local levels. All countries already had laws to protect children, including the criminal law, but these should be implemented in a more committed manner. Where there were legislative

loopholes, States should consider the possibility of adopting specific laws against the sale and trafficking of children, child prostitution and child pornography.

27. His tenth point was that in many parts of the world the quality of the police force, immigration authorities, judges, inspectors and other law-enforcement authorities needed to be improved. Low pay and insufficient training in child rights often resulted in poor law enforcement and corruption. The better parts of those authorities needed incentives and in-service training for quality performance.

28. In the eleventh place, increased attention should be paid to the private and business sectors.

29. In twelfth place, in view of the practices of sex tourism, criminal jurisdiction in the countries of origin should be extended to cover acts perpetrated abroad.

30. In the thirteenth place, remedial action should be taken to help children who were abused and exploited. Such action might include judicial remedies, such as prosecution of abusers, coupled with legal aid and assistance and/or socio-medical services.

31. In the fourteenth place, he stated that particular attention should be paid to cross-border child trafficking. That entailed proper safeguards for the children to return to their countries of origin. Bilateral and other links to ensure such return needed to be evaluated by independent monitoring.

32. His fifteenth and final point was that facilities should be provided to help those with health problems, including HIV and AIDS. Such facilities might include medical and community facilities to help the children and their families, as well as measures to protect them against discrimination and other harm.

33. In conclusion, he stated that other strategies were suggested in his 1993 report. The international community should coordinate efforts to combat contemporary forms of child slavery, and he assured the Committee that he would cooperate in that struggle.

34. The CHAIRPERSON thanked the Special Rapporteur for his detailed statement and assured him of the Committee's cooperation.

35. In relation to the issues which had just been raised, Mr. HAMMARBERG read to the Committee a "statement on the economic exploitation of children" which did not have a document number and would be included as an annex to the report of the fourth session of the Committee on the Rights of the Child.

The meeting rose at 11.50 a.m.